

## UNITED STATES DISTRICT COURT

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

IN THE MATTER OF

CV NO. 03-00672 SOM-BMK

CV NO. 04-00588 SOM-BMK

(CONSOLIDATED)

NOTICE TO CLAIMANTS

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII  
CV. NO. 03-00672 SOM-BMK  
CV. NO. 04-00588 SOM-BMK  
[CONSOLIDATED]  
NOTICE TO CLAIMANTS  
In the Matter of The Complaint of MORNING STAR CRUISES, INC., a Hawaii corporation, SHIROH FUKUOKA, Individually and as Personal Representative of THE ESTATE OF MITSUKO FUKUOKA, and as Next Friend of MIHO FUKUOKA, a Minor, Plaintiffs, vs. MORNING STAR CRUISES, INC., a Hawaii corporation; JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, DOE JOINT VENTURERS 1-10, DOE LIMITED LIABILITY ENTITIES, 1-10, DOE NON-PROFIT ENTITIES, 1-10, DOE GOVERNMENTAL ENTITIES 1-10, DOE UNINCORPORATED ENTITIES 1-10, and OTHER DOE ENTITIES 1-10, Defendants.

## NOTICE TO CLAIMANTS

On December 8, 2003, Limitation Plaintiff Morning Star Cruises, Inc., the owner of that certain 24 foot steel raft / barge, registration number HA 1367CP (hereinafter referred to as the "Vessel"), filed a Complaint pursuant to the Limitation of Liability Act, 46 U.S.C. §§ 183 et seq., and the Federal Rules of Civil Procedure 9 (h) and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims. A First Amended Complaint was filed December 18, 2003. The Complaint seeks exoneration from or limitation of liability for any loss, damage, injury, or demand occasioned or incurred by, or in any way consequent to, an incident involving the Vessel that occurred on or about August 14, 2002, upon the navigable waters of the United States, Kaneohe Bay, State of Hawaii.

On May 7, 2004, pursuant to Rule F(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims, a Notice of Deposit of Funds with the Court, the sum of four thousand and no/100 dollars (\$4,000.00), representing the value of the Vessel and Yanmar Dive Compressor Model #L190 AE DE attached to the Vessel was filed May 7, 2004.

Pursuant to an Order dated July 24th, 2006, all persons claiming damages for any loss, damage or injury incurred by reason of the incident on August 14, 2002 are cited to file their respective claims with the Clerk of this Court and to serve on or mail to Morning Star Cruises, Inc.'s counsel, CHEE & MARKHAM, 1001 Bishop Street, 1000 American Savings Bank Tower, Honolulu, Hawaii 96813, a copy thereof on or before September 1, 2006. Any claimant desiring to contest Morning Star Cruises, Inc.'s right to exoneration from or limitation of liability shall file and serve on or mail to counsel for Morning Star Cruises, Inc. an answer to the Complaint.

DATED: Honolulu, Hawaii, July 26, 2006.

Sue Beitia, Clerk of the Court,  
United States District Court,  
District of HawaiiBy: Laila Geronimo, Deputy Clerk,  
United States District Court,  
District of Hawaii

CHEE &amp; MARKHAM Attorneys at Law

GREGORY K. MARKHAM, ESQ.

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DESIREE HIKIDA MOKUOHAI, ESQ.

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Honolulu, Hawaii 96813

Tel: 808-523-0111/Fax: 808-523-0115

Attorneys for Morning Star Cruises, Inc.

Limitation Plaintiff

(Hon. Adv.: Aug. 4, 11, 18, 25, 2006) (A-499946)

SEP 11 2006 ✓  
at 1<sup>15</sup> o'clock and 3<sup>30</sup> min. <sup>15</sup> M  
SUE BEITIA, CLERK

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII

City and County of Honolulu

SS.

Valerie L. Yanagihara being duly sworn

deposes and says that she is a clerk, duly authorized to execute this affidavit of THE HONOLULU ADVERTISER, a division of GANNETT PACIFIC CORPORATION, that said newspaper is a newspaper of general circulation in the State of Hawaii, and that the attached notice is a true notice as was published in the aforementioned newspaper as follows:

The Honolulu Advertiser: 4 times(s) on  
08/04/2006, 08/11/2006, 08/18/2006, 08/25/2006

and that affiant is not a party to or in any way interested in the above entitled matter.



Subscribed and sworn to before me this 25th day of August  
A. D. 20 06

ELSIE A. MARUYAMA

Notary Public of the First Judicial Circuit

State of Hawaii

My commission expires

March 7, 2008

